



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,093	04/21/2005	Christophe Beaugeant	449122080600	6210
29177 7590 02/15/2008 BELL, BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
			EXAMINER D AGOSTA, STEPHEN M	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,093

Applicant(s)

BEAUGEANT ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1-23-2008 have been fully considered but they are not persuasive.

1. The drawing changes are acknowledged. Thank you.

2. First and foremost, the examiner must give each claim its broadest reasonable interpretation. Secondly, the examiner (and applicant) appear to understand that echo cancellation processing can be performed virtually anywhere (eg. at the phone and/or in the network - note that applicant argues this point).

In reading the applicant's claims and reviewing figures 1 and 2, the examiner interpreted that the location of echo cancellation processing was either a) not defined in the claims or b) appeared to occur in the mobile device.

- Figures 1-2 show considerable information about "echo cancelling" that appears to occur at the phone device. (fig. 3 was in a foreign language)

- The claims merely state "*providing a downlink data copy of downlink data to be transmitted from the telecommunications network in the direction of the terminal...*", eg. the claim does not state that the network is actively performing the claimed function, hence the examiner had interpreted that a passive echo (eg. from the far end) could have been transmitted via the network (and/or the device itself could have simulated such data transmission).

3. In noting the italicized claim language above, **it does not empirically state that "the network" is actively generating and providing this copy.** The claim merely states that "a copy is provided" which would be sent from the network, but no definition of this copy is found to be defined by the claim. Note that Chang teaches near-and-far end users and echo, **hence the far end echo is inherently transmitted from the far end user through the network (eg. which reads on a downlink copy).** It is the examiner's opinion that the reason he used the art of record is based on this very point, eg. that the claims do not stipulate that the network "generated" this specific copy for echo-suppression purposes, hence Chang's far end echo does in fact come from the network (albeit generated "accidentally"). Furthermore, the prior art combines to put forth that a "simulated" copy of the downlink data can be furnished as well.

4. Another salient point to make is the fact that the claims do not empirically state "where" the processing occurs, only that it does occur. The applicant argues that the processing in the prior art is found to occur at the phone/device but the claims do not fully stipulate what device in the network is performing the described echo-cancellation (hence a far echo received by the phone in the downlink path and processed to remove said echo reads on the claim). Again, this goes to the concept of active or passive transmission of the "echo data".

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the network is **generating** and transmitting the copy, the network is where the echo processing takes place) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims do not state that the network is generating the downlink data to be used for the echo cancelling and the claims do not state that the processing takes place in the network.

6. Minimally, the claims should be amended to state that a) the network is generating and transmits the "echo-processed" data which is not just an echo (as taught by Chang) and b) that the echo processing location must be located in the network (eg. hardware/software found in the network and not in the phone).

Otherwise, the examiner's broad interpretation reads on the claims since Chang teaches that data (eg. echo from far end) is fed back through the network and processed by an echo-processor (eg. at the phone device).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

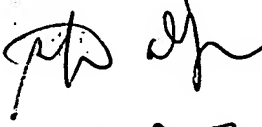
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER


2-8-08